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12 March 2010

Excellency,

I wish to inform you that the Committee on the Elimination of All Forms of Racial Discrimination, in the course of its 76th session, considered the follow-up report submitted by the Government of Germany, pursuant to Rule 65(1) of the Rules of Procedure of the Committee.

The Committee welcomes the timely submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 16, 17, 22 and 26 of the Concluding Observations (CERD/C/DEU/CO/18, August 2008), adopted following the consideration of the State party's 16th to 18th periodic reports. The Committee thus appreciates the opportunity provided to continue the dialogue with the State party, and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on action taken by the State party on these issues be included in its 19th to 22nd periodic reports to be submitted in a single document by 15 June 2012.

Paragraph 16 of the Concluding Observations. The Committee, acknowledging the fact that comprehensive monitoring of the entire internet is difficult, commends the State party on its efforts to combat online racial discrimination. It encourages the State party to institute educational campaigns to combat discriminatory attitudes and practices as an additional measure. Noting information that ratification of the Additional Protocol to the Convention on Cybercrime is under preparation, the Committee would welcome the State party's ratification.

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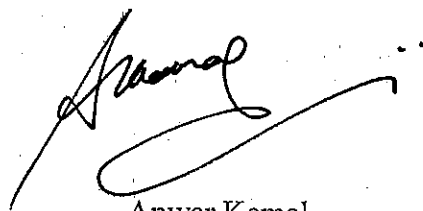
Paragraph 17 of Concluding Observations. The Committee thanks the State party for its further explanation of the General Equal Treatment Act and welcomes its constructive approach. Nevertheless, the Committee maintains that notwithstanding the well-intentioned purposes of the aforementioned Act, the Convention, in its article 5 (3) specifically dictates that State parties must “guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before law [...] in the enjoyment of [...] the right to housing”. In this respect the Committee reiterates its recommendation to consider modifying paragraph 19 section III of the General Equal Treatment Act. The Committee also takes note of the positive suggestions put forward by the State party for NGOs to inform the Federal Anti-Discrimination Agency of cases of discrimination and encourages the State party to continue in its efforts.

Paragraph 22 of Concluding Observations. The Committee wishes to thank the State party for the information provided on Saarland, Baden-Württemberg and Hesse and commends the amendment to the Saarland legislation in question. The Committee encourages the State party to follow-up these positive steps with monitoring measures to ensure that all children of asylum seekers do not face obstacles in school enrolment.

Paragraph 26 of Concluding Observations. The Committee thanks the State party for the information provided and encourages the newly elected members of the *Bundestag* to continue previous efforts to pass a law that explicitly includes a provision stipulating that racist motivation should be taken into account as a specific aggravating circumstance for the purpose of sentencing in relevant crimes. The Committee requests to receive additional information whether the draft law was tabled in Parliament since elections in 2009.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Germany, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Yours sincerely,



Anwar Kemal
Chairperson of the Committee on the
Elimination of Racial Discrimination